

REMARKS

Reconsideration of the above-identified application in view of the following remarks is respectfully requested.

Claims 1, 2, and 4 have been allowed. Claims 3, 5-7, 10, and 11 have been rejected as unpatentable over U.S. Patent No. 5,285,795 to Ryan et al.

It is respectfully submitted that claims 3, 5-7, and 10, and 11 are allowable. Specifically, claim 3 recites that an actuator means extends through substantially the entire length of an articulated section and a cutting tool is prevented from moving in an axial direction relative to the articulated section. The probe 22 described in the Ryan et al. patent moves axially relative to the flexible and bendable section 202 of the cannula 200. Accordingly, the Ryan et al. patent does not describe or suggest a cutting tool being prevented from moving in an axial direction relative to an articulated section.

Claim 6 recites that an actuator means includes first and second elongated elements which extend through a stem section and substantially the entire length of an articulated section and are connected directly with a movable member. The Office Action states that the tether 212 described in the Ryan et al. patent is indirectly connected with the probe 22. Accordingly, the Ryan et al. patent does not describe or suggest first and second elongated elements which are connected directly with a movable member.

Furthermore, if a proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. MPEP §2143.01. Claim 6 recites that

the actuator means includes first and second elongated elements which extend through the stem section and substantially the entire length of the articulated section. The Office Action states that it would have been obvious to combine the two diametrically opposed tethers 94 and 96 of Figs. 4 and 5 of the Ryan et al. patent with the cannula 200 of Figs. 9-13 of Ryan et al. patent in order to bend the cannula in opposite directions. The Ryan et al. patent states that the slots 210 are provided on the inside 218 of the curve of the cannula 200 so the probe needle 28 will not become engaged with, or project through, the slots 210 as the probe needle is inserted through the cannula, see column 9, lines 5-12. Thus, one of ordinary skill in the art would not have been motivated to modify the cannula 200 to bend in opposite directions as suggested in the Office Action. In fact, the Ryan et al. patent makes it clear that placing a tether opposite the slots 210 and bending the cannula 200 with the slots 210 on the outside of the curved cannula would render the cannula of Figs. 9-13 unsatisfactory for its intended purpose. Claim 6 is in condition for allowance.

Claim 7 recites that an actuator means includes first and second elongated elements which extend through a stem section and substantially the entire length of an articulated section and are connected directly with a movable member. The Office Action states that the tether 212 described in the Ryan et al. patent is indirectly connected with the probe 22. Accordingly, the Ryan et al. patent does not describe or suggest first and second elongated elements which are connected directly with a movable member.

Furthermore, as discussed above, it would not have been obvious to combine the two diametrically opposed tethers 94 and 96 of Figs. 4 and 5 of the Ryan et al. patent with the cannula 200 of Figs. 9-13 of Ryan et al. patent in order to bend the cannula in opposite directions. Thus, claim 7 is in condition for allowance.

Claim 10 recites that an actuator means includes at least one elongated element which extends through a stem section and substantially the entire length of an articulated section and is connected directly to a movable member. The Office Action states that the tether 212 described in the Ryan et al. patent is indirectly connected with the probe 22. Accordingly, the Ryan et al. patent does not describe or suggest at least one elongated element which extends through a stem section and substantially the entire length of an articulated section and is connected directly to a movable member. Therefore, claim 10 is in a condition for allowance.

Claim 11 recites that an actuator means includes at least one elongated element which extends through a stem section and substantially the entire length of an articulated section and is connected directly to a movable member. The Office Action states that the tether 212 described in the Ryan et al. patent is indirectly connected with the probe 22. Accordingly, the Ryan et al. patent does not describe or suggest at least one elongated element which extends through a stem section and substantially the entire length of an articulated section and is connected directly to a movable member. Therefore, claim 11 is in a condition for allowance.

Claims 3, 5-7, 10 and 11 have been amended to include that the actuator means/elongate elements extend through substantially the entire length of the articulated section (Aust et al., Column 7, lines 56-61). Also, claims 3 and 5 have

been amended to include that the cutting tool is prevented from moving in an axial direction relative to the articulated section (Aust et al., Column 4, lines 16-19). Furthermore, claims 6, 7, 10, and 11 have been amended to include that the elongated elements are directly connected with the movable member (Aust et al., Column 7, lines 58-61).

In view of the foregoing, allowance of the above-identified application is respectfully requested.

Please charge any deficiency or credit any overpayment in the fees for this amendment to our Deposit Account No. 20-0090.

Respectfully submitted,


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